

REMARKS

The application is believed to be in condition for allowance for the reasons advance below.

Claims 1-13, 15 and 16 are pending in the application.

Claims 1-5, 7-12, 15 and 16 were rejected under 35 USC 103(a) as being unpatentable over WO 02/079644 in view of WO 03/002891. That rejection is respectfully traversed.

As recognized in the Official Action, WO '644 does not disclose taper roller bearing with a bogie plate. WO '891 is offered for this feature, with the Official Action concluding that the only difference between the present invention and WO '644 is that the present invention uses TRBs instead of the SRBs which are used in WO '891.

The Official Action concludes that since both types of bearings are known, it would have been obvious to replace one bearing for the other.

Although taper roller bearings (TRBs) are known *per se*, nevertheless, it was not known to use such TRBs as part of a gear transmission unit having a planet bogie plate, wherein the planet bogie plate provide support for circumferentially spaced shafts, which support and locate circumferentially spaced planet gear bearings (at least some of which are TRBS) on which planet gears are mounted as recited in claim 1.

That is, the recited bogie plate as represented, for example, in figure 4 of the present application has a completely different configuration than the gear system of WO '891.

Based on these differences, one of ordinary skill in the art would not have considered the proposed substitution in the first instance.

Moreover, the proposed substitution is contrary to the understandings and expectations of the art.

As previously argued, one of ordinary skill in the art did not consider TRBs in combination with a bogie plate because one loses degrees of freedom and moreover, it was unexpectedly found that not having the added degrees of freedom of the planets on SRBs could at least partly be compensated by using the self-adjusting characteristics of the TRBs.

Applicants submit herewith a declaration under Rule 132 pointing out that the recited bogie plate combined with TRBs was never proposed before and it was believed not to be workable at the time of filing based on a lack of degree of freedom.

Such declaration is believed sufficient to traverse the rejection and to overcome the position that it would not have been obvious to one of ordinary skill in the art to combine the references in the manner suggested.

Accordingly, the present claims are believed to be patentable over WO '644 in view of WO '891.

Claims 1-13, 15 and 16 were rejected under 35 USC 103(a) as being unpatentable over WO 02/14690 in view of WO 03/002891. That rejection is respectfully traversed.

Similar to the rejection over WO '644 in view of WO '891, the Official Action recognizes that WO '690 does not disclose taper roller bearing. WO '891 is again offered for this feature, with the Official Action concluding that the only difference between the present invention and WO '690 is that the present invention uses TRBs instead of the SRBs which are used in WO '891.

However, for the reasons set forth above and in view of the 132 declaration, the proposed combination of references is improper not only because the proposed combination is contrary to the accepted teachings at the time the present invention was made, but also would not have been considered based on the difference in structure of the two references.

In view of this, it would not have been obvious to one of ordinary skill in the art to combine the references in the manner suggested. Accordingly, the present claims are believed to be patentable over WO '690 in view of WO '891.

Claims 1-13, 15 and 16 were rejected under 35 USC 103(a) as being unpatentable over WO 03/014566 in view of WO 03/002891. That rejection is respectfully traversed.

Again as in the rejection over WO '644 in view of WO '891, the Official Action recognizes that WO '566 does not

disclose taper roller bearing. WO '891 is offered for this feature, with the Official Action concluding that the only difference between the present invention and WO '566 is that the present invention uses TRBs instead of the SRBs which are used in WO '891.

However, for the reasons set forth above and in view of the 132 declaration, the proposed combination of references is improper not only because the proposed combination is contrary to the accepted teachings at the time the present invention was made, but also would not have been considered based on the difference in structure of the two references.

In view of this, it would not have been obvious to one of ordinary skill in the art to combine the references in the manner suggested. Accordingly, the present claims are believed to be patentable over WO '566 in view of WO '891.

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over WO 02/079644 in view of WO '891 and further in view of WO '690 and WO '566. That rejection is respectfully traversed.

Claim 6 depends from claim 1 and further defines the invention and is believed to define over the proposed combination of references at least for depending from an allowable independent claim.

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over WO '644 in view in view of WO '891 and further in view of WO '690 and WO '566. That rejection is respectfully traversed.

Claim 13 depends from claim 1 and is believed patentable over the proposed combination of references at least for depending from an allowable independent claim.

In view of the 132 declaration and the foregoing Remarks, the present application is believed to be in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The following item is included in the appendix:

- a declaration under Rule 132 signed by the inventor